

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ALLIANCE FOR OPEN SOCIETY
INTERNATIONAL, INC., OPEN SOCIETY
INSTITUTE, AND PATHFINDER
INTERNATIONAL

Plaintiffs, 05 Civ. 8209 (VM) (DF)

v.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT and
ANDREW S. NATSIOS, in his official capacity as
Administrator of the United States Agency for
International Development, *et al.*

Defendants.

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SUPPLEMENTAL DECLARATION OF ROBERT KUSHEN

I, ROBERT KUSHEN, hereby declare as follows:

1. I am Chairperson of the Board of the Alliance for Open Society International, Inc. (“AOSI”) and have held that position since 2004. I am also Director of International Operations at the Open Society Institute, with which AOSI is closely affiliated.

2. I submit this declaration in further support of Plaintiffs’ motion for a preliminary injunction.

THE PLEDGE REQUIREMENT’S ONGOING HARM TO AOSI

3. AOSI continues to be severely constrained in the programs and activities we may undertake with our private funds as a result of 22 U.S.C. § 7631(f) (“the pledge requirement.”). AOSI engages in policy discussions and advocacy on matters ranging from best practices in HIV and drug use prevention to human rights and democratic

reform. For example, AOSI plans to cosponsor a conference, slated for June 2006, that will follow up on the October 2005 conference titled "Sexual Rights, Sexual Health: Countering the Conservative Sexual Agenda." At this conference, AOSI seeks to discuss further key policy issues that arose at the October conference, including the legal status of sex work. At the conference AOSI also seeks to generate, along with other advocates, an agenda for policy advocacy and reform regarding sexual rights and sexual health. However, due to the pledge requirement, we are chilled from fully planning and participating in the conference.

DESCRIPTION OF EXHIBIT

4. Attached as Exhibit 1 are relevant excerpts from Cooperative Agreement No. 122-A-00-02-00042-00 under which USAID awarded \$16,507,402 to AOSI to reduce demand for injection drugs in Uzbekistan, Tajikistan and parts of Kyrgyzstan from September 30, 2002 to September 29, 2007. The agreement was initially awarded to the Soros Foundation-Kazakhstan and then transferred to AOSI through a novation agreement on January 1, 2004. The full cooperative agreement is available upon request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 24, 2006
New York, New York


ROBERT KUSHEN